

MHN

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Harry D. Leinenweber	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	09 C 6254	DATE	3/16/2010
CASE TITLE	Keel v. City of Harvey		

DOCKET ENTRY TEXT

For the reasons stated below, the civil case is **reinstated**. Plaintiffs' motion to remand [27] is granted and the case is **remanded** to the Circuit Court of Cook County.
IT IS SO ORDERED.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

This case was originally filed in state court and later removed to federal court. All six counts asserted claims under 42 U.S.C. § 1983 and Illinois state law. Defendants moved to dismiss all counts under Fed. R. Civ. P. 12(b)(6). All counts were dismissed without prejudice on the basis that Plaintiffs had failed to (1) exhaust state remedies or (2) demonstrate that state court remedies were inadequate. *See Doherty v. City of Chicago*, 75 F.3d 318, 323 (7th Cir. 1996). This Court's Memorandum Opinion and Order of January 21, 2010 [18] dismissed the claims for their lack of a federal basis, not for their lack of a state law basis. Thus, the state law claims were implicitly still alive. Because the counts were dismissed without prejudice, Plaintiffs had the options of moving for leave to amend their complaint or re-filing their case in state court. The state court has declined, however, to reinstate the case without a remand order from this Court, and Plaintiffs have elected to move to remand to state court. The Court therefore reinstates the case and grants Plaintiffs' motion to remand to the Circuit Court of Cook County.

Courtroom Deputy
Initials:

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